

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DONALD TOTH, II,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 1:18-CV-1454</b>
	)	
<b>v.</b>	)	<b>Judge Dan Aaron Polster</b>
	)	
<b>NANCY A. BERRYHILL, ACTING COMM'R OF SOC. SEC.,</b>	)	<b><u>OPINION &amp; ORDER</u></b>
	)	
<b>Defendant.</b>	)	

Before the Court is the Report and Recommendation of Magistrate Judge David A. Ruiz (“R&R”) (Doc #: 16). Magistrate Judge Ruiz recommends that the Court affirm the decision of the Administrative Law Judge (“ALJ”) denying Plaintiff Donald Toth, II’s applications for a Period of Disability (“POD”), Disability Insurance Benefits (“DIB”), and Supplemental Security Income (“SSI”) under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381 *et seq.* (“Act”). On July 26, 2019, Toth filed a Response to the R&R, Doc #: 17, informing the Court that he will not be filing Objections to the R&R. Nonetheless, the Court has carefully reviewed Magistrate Judge Ruiz’s thorough R&R. The Court agrees with Magistrate Judge Ruiz that the ALJ’s findings were supported by substantial evidence and the ALJ did not err by not specifically considering the father’s questionnaire or opinions. Consequently, the Court agrees with the Magistrate Judge that the Commissioner’s final decision should be affirmed.

Accordingly, the Court **ADOPTS** the R&R, Doc #: 16, in full and **DISMISSES** the above-captioned case.

**IT IS SO ORDERED.**

*/s/ Dan Aaron Polster July 29, 2019*

DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE